

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROGER STEIN,

Petitioner,

Civil No. 2:16-cv-13087

Hon. Arthur J. Tarnow

v.

TONY TRIERWEILER,

Respondent.

**ORDER GRANTING MOTION TO AMEND PETITION AND REOPEN
CASE [Dkt. 5], DIRECTING SERVICE UPON RESPONDENT, AND
ORDERING RESPONDENT TO FILE RESPONSIVE PLEADING**

Roger Stein, a state prisoner, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The case was stayed for Petitioner to exhaust his state court remedies. Petitioner was given 60 days to move to reopen the case after completing state court review. Petitioner has now filed an amended petition, and seeks an order reopening his habeas case. [Dkt. 5].

Federal courts have the power to order that a habeas petition be reinstated upon timely request by a habeas petitioner. *See Woods v. Gilmore*, 26 F. Supp. 2d 1093, 1095 (C.D. Ill. 1998); *Parisi v. Cooper*, 961 F. Supp. 1247, 1249 (N.D. Ill. 1997). As it appears Petitioner substantially complied with the terms of the order staying her case, the Court will order that the case be reopened.

IT IS ORDERED that the petition for a writ of habeas corpus is reinstated to the Court's active docket.

IT IS FURTHER ORDERED that the Clerk of the Court serve the amended petition [Dkt. 5] on the Attorney General for the State of Michigan.

IT IS FURTHER ORDERED that Respondent shall file a responsive pleading and the Rule 5 materials within 60 days of this order.

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior U.S. District Judge

Dated: February 14, 2019